

APPENDIX

Rule 39. Temporary Authorizations to Practice Law

- (a) Pro Hac Vice**
 - (b) Practice Pending Admission**
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(a) Pro Hac Vice

(1) *General Statement and Eligibility.* An attorney who is not a member of the State Bar of Arizona but is currently a member in good standing of the bar of another state or non-U.S. jurisdiction, and eligible to practice before the highest court in any state, territory or insular possession of the United States or foreign jurisdiction (hereinafter called a non-member attorney) may appear as counsel pro hac vice in any case before any state or local court, board or administrative agency in the State of Arizona upon compliance with this rule:

(2) In order to appear as counsel in any matter pending before a court, board, or administrative agency in the State of Arizona, a non-member attorney shall:

- (A) File with the State Bar of Arizona an original and one copy of a verified application; and the verified application required by this rule shall be on a form approved by the Arizona Supreme Court and available at the clerk of the court, board, or administrative agency where such cause is pending.
- (B) File with the State Bar of Arizona a certificate from each state bar or from the clerk of the highest admitting court of each state, territory or insular possession of the United States, or foreign jurisdiction, in which the non-member attorney has been admitted to practice law certifying the non-member attorney's date of admission to such jurisdiction and the current status of the non-member attorney's membership or eligibility to practice therein.
- (C) Pay to the State Bar of Arizona a non-refundable application fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such application is filed plus an additional assessment set by the Arizona Supreme Court for the Client Protection Fund, with the following exceptions:
 - (i) Not more than one application fee may be required per non-member attorney for consolidated or related matters regardless

of how many applications are made in the consolidated or related proceedings by the non-member attorney.

- (ii) The application fee shall be waived (1) for Judge Advocate General's Corps' military attorneys practicing before the Military Trial Court of the State of Arizona or the Arizona Court of Military Appeals and (2) to permit pro bono representation of an indigent client or clients. An attorney seeking a fee waiver to provide pro bono representation of an indigent client or clients shall include in the application a verification that all clients represented in the action are indigent and that no attorney fee shall be paid by the client. "Indigent" is defined as those individuals whose gross income is at or below 125% of the federal poverty guidelines, as calculated in conformity with the eligibility requirements for Legal Services Corporation grantees, currently codified at 45 C.F.R. Section 1611.
- (D) Upon receipt of the verified application and fee from the non-member attorney as described above, the State Bar of Arizona shall issue to local counsel a Notice of Receipt of Complete Application that states: (1) whether the non-member attorney has previously made any application or motion pursuant to this rule within the preceding three years; (2) the date of any such application or motion; and (3) whether the application or motion was granted or denied by the court or administrative agency. The State Bar of Arizona Notice shall include as exhibits: (1) the original verified application and (2) the original certificate(s) of good standing. The State Bar shall retain copies of verified applications, certificates of good standing and orders granting, denying or revoking applications to appear pro hac vice for three (3) years.
- (E) Local counsel shall file a motion to associate counsel pro hac vice with the court, board, or administrative agency where the cause is pending, together with proof of service on all parties in accordance with Arizona Rules of Civil Procedure. The motion to associate counsel pro hac vice shall include:
 - (i) the original verified application as an exhibit;
 - (ii) the original certificates of good standing as an exhibit;
 - (iii) the State Bar of Arizona Notice as an exhibit; and
 - (iv) a proposed order granting or denying the motion.

- (F) Local counsel shall mail a copy of each order granting or denying the motion as entered by the court, board, or administrative agency to the State Bar of Arizona.

(3) *Scope of Authority.* A non-member attorney may not appear pro hac vice before any court, board or administrative agency of this state unless the non-member attorney has associated in that cause an attorney who is a member in good standing of the State Bar of Arizona (hereinafter called local counsel). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court, board, or administrative agency when the court, board, or administrative agency deems such appearance and participation appropriate. Local counsel associating with a non-member attorney in a particular cause shall accept joint responsibility with the non-member attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

(4) *Discretion.* The granting or denial of a motion to associate counsel pro hac vice pursuant to this rule by the court, board, or administrative agency is discretionary. The order granting or denying the motion to associate counsel pro hac vice shall be entered by the court, board, or administrative agency no later than 20 days (exclusive of weekends and holidays) after the filing of such motion. A non-member attorney shall make no appearance in a cause until the court, board, or administrative agency where the cause is pending enters the order granting the motion to associate counsel pro hac vice. The order granting pro hac vice status shall be valid for a period of one year from the date of entry, and shall be renewed for subsequent one year periods upon compliance with renewal procedures as specified herein.

(5) *Disciplinary Jurisdiction of the State Bar of Arizona.* As provided in Rule 46(b), Rules of the Supreme Court, a non-member attorney admitted pro hac vice pursuant to these rules shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar of Arizona.

(6) *Termination of Authorization.* The court, board, or administrative agency may revoke the authority of a non-member attorney to make continued appearances pursuant to this rule. Absent special circumstances, repeated appearances by any person pursuant to this rule may be the cause for denial of the motion to associate counsel pro hac vice. Such special circumstances may include, but are not limited to, the following: (1) a showing that the cause involves a complex area of law in

which the nonmember attorney possesses a special expertise, or (2) a lack of local counsel with expertise in the area of law involved in the cause.

(7) *Transfer*. The non-member attorney shall be deemed admitted in the event venue in such action is transferred to another county or court or is appealed; provided, however, that the court having jurisdiction over such transferred or appealed cause may revoke the authority of the non-member attorney to appear pro hac vice.

(8) *Continuing Duties to Advise of Changes in Status*. A non-member attorney admitted pro hac vice shall have the continuing obligation during the period of such admission to promptly advise the State Bar of Arizona of a disposition made of pending charges or the institution of any new disciplinary proceedings or investigations. The State Bar of Arizona shall then advise any court, board, or administrative agency where the non-member attorney has been admitted pro hac vice of any such information. A non-member attorney shall promptly advise the State Bar of Arizona if permission to appear pro hac vice pursuant to this rule is revoked by any court, board, or administrative agency.

(9) *Renewal of Application and Fees*. On or before each anniversary date of the filing of the verified application with the State Bar of Arizona, local counsel must certify to the State Bar of Arizona whether (a) the non-member attorney continues to act as counsel in the cause; or (b) such cause has been adjudicated to a final conclusion or is otherwise concluded. Any non-member attorney who continues to act as counsel in the cause shall remit to the State Bar of Arizona on or before each anniversary date an assessment set by the Arizona Supreme Court for the Client Protection Fund and a fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such renewal is sought, unless the non-member attorney is waived under paragraph (c)(1)(B)(ii) of this rule as a Judge Advocate General's Corps' military attorney or as an attorney providing pro bono representation of an indigent client.

(10) *Failure to Renew*. Any non-member attorney who continues to appear pro hac vice in a cause and fails to pay the renewal fees set forth in paragraph (h) of this rule shall be suspended from appearance in any cause upon the expiration of a period of thirty days from the anniversary date. The executive director of the State Bar of Arizona shall notify the non-member attorney and local counsel of the suspension and shall file a certified copy of the notice with the court, board or administrative agency where the cause is filed. The non-member attorney may be reinstated upon the payment of fees set forth in paragraph (h) of this rule and a \$50 late penalty. Upon payment of all accrued fees and late penalty, the executive director shall reinstate the non-member attorney and shall certify such reinstatement to the court, board, or administrative agency where the cause is filed.

(11) *Annual Reporting*. The State Bar of Arizona shall prepare an annual report which shall list: (a) all applications filed pursuant to this rule during the preceding twelve months; (b) the names of all applicants; and (c) whether the application was granted or denied. The report shall be available for inspection at the offices of the State Bar of Arizona and shall be provided to the Supreme Court.

(12) *Disposition of Fees*. Fifteen percent of the application fees paid pursuant to this rule shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in Rule 38(d).

(b) Practice Pending Admission

(1) *General Statement and Eligibility*. An applicant who currently holds an active license to practice law in another jurisdiction in the United States, and who has been engaged in the active practice of law for three of the last five years, may provide legal services in Arizona through an office or other place for the regular practice of law in Arizona for no more than 365 days, provided that the applicant:

- (A) is a licensed attorney in good standing in all courts and jurisdictions in which he or she is admitted to practice;
- (B) is not currently subject to an order of attorney discipline or the subject of a pending disciplinary or disability investigation in any jurisdiction;
- (C) has not previously been denied admission to practice law in Arizona, has not failed the Arizona bar examination within the last three years, and has never been denied admission on character and fitness grounds in any jurisdiction;
- (D) has first submitted an application deemed complete by the Committee on Character and Fitness for admission on motion (Rule 34(f)), admission by transfer of uniform bar examination score (Rule 34(h)), or admission by Arizona bar examination (Rule 34), and has complied with the requirements of Rule 34 (f)(1)(B),(D) and (H);
- (E) reasonably expects to fulfill all of Arizona's requirements for that form of admission;
- (F) associates with and is supervised by an attorney licensed to practice in Arizona, and discloses the name, address, and membership status of that attorney;

- (G) provides a signed verification form from the Arizona attorney certifying the applicant's association with and supervision by that attorney;
- (H) affirmatively states in all written communications with the public and clients the following language: "Practice temporarily authorized pending admission under Rule 39(b). Supervision by [name of attorney], a member of the State Bar of Arizona";
- (I) pays the annual assessment to the Client Protection Fund; and
- (J) pays the required admission fee.

(2) *Appearances.* Until the applicant's admission is granted, the applicant may not appear before a court of record or tribunal in Arizona that requires pro hac vice admission unless the applicant is granted such admission pursuant to Rule 39(a).

(3) *Notice of Disciplinary Investigation.* The applicant must immediately notify the Committee on Character and Fitness in writing if the applicant becomes subject to a disciplinary or disability investigation, complaint, or sanctions in any other jurisdiction at any time during the 365 days of practice authorized by this rule. The Committee on Character and Fitness shall take into account such information in determining whether to grant the attorney's application for admission to practice law in Arizona.

(4) *Discipline and Disability Jurisdiction.* Any attorney practicing under this rule shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in the State of Arizona.

(5) *Termination of Authorization to Practice.* The authority given an applicant to practice law pending admission pursuant to this rule shall terminate immediately if:

- (A) the applicant withdraws the application for admission or the application is denied;
- (B) the applicant fails to remain in compliance with paragraph (1) of this rule;
- (C) the applicant is disbarred, suspended, or placed on disability inactive status in any other jurisdiction in which the applicant is licensed to practice law; or

- (D) the applicant fails to comply with the notification requirements of paragraph (3) of this rule.

(6) *Action Required after Termination of Authorization to Practice.* Upon the termination of authority to practice law pursuant to this rule, the applicant shall:

- (A) immediately cease practicing law in Arizona;
- (B) notify in writing all clients in pending matters, and opposing counsel and co-counsel in pending litigation, of the termination of the applicant's authority to practice law in Arizona; and
- (C) take all other necessary steps to protect the interests of the applicant's clients.

(7) *Registration, Fees & CLE.* An attorney practicing under this rule shall not be subject to annual registration fees as required under Rule 32 or the mandatory legal education requirements under Rule 45.

(8) *Subsequent Attorney Admission.* When an attorney authorized under this rule is subsequently admitted to the practice of law in Arizona, the authorization will be superseded by the Arizona license to practice law.

(c) Law Student Practice

(1) Definitions:

“Certified limited practice student” is a law student or a graduate of a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association who holds a current Arizona Supreme Court certification as a limited practice student.

“Supervising attorney” is an attorney authorized to practice law in Arizona who agrees in writing to supervise the certified limited practice student under these rules and whose name appears on the application for certification or recertification.

“Designated attorney” is, exclusively in the case of government agencies, any deputy assistant or other staff attorney authorized and selected by a supervising attorney to supervise the certified limited practice student where permitted by these rules.

(2) *General Statement and Eligibility.* A student enrolled in an approved law school, or a recent graduate of such a school who has applied to take the bar examination, may apply to be certified as a limited practice student under this

rule. To be eligible to become a certified limited practice student, the student must:

- (A) have successfully completed a minimum of two semesters of legal studies, or the equivalent academic hour credits;
- (B) neither ask for nor receive any compensation or remuneration of any kind for services rendered by the student from the person on whose behalf the services are rendered; however, this does not prevent a supervising lawyer, legal services organization, public defender agency, or the state from paying compensation to the student, nor shall it prevent the lawyer or agency from making such charges for its services as it may properly require;
- (C) certify in writing that the student has read, is familiar with, and will be governed by the Arizona Rules of Professional Conduct and Arizona statutes relating to the conduct of attorneys; and
- (D) be certified by the dean of the accredited law school where the student is enrolled, or was enrolled upon graduation, as being in good academic standing, or good character, and as having either successfully completed or being currently enrolled in and attending academic courses in civil procedure, criminal law, evidence, and professional responsibility;

(3) *Filing Requirements.*

- (A) All applications for certification as a limited practice student must be submitted to the clerk of the Court on a form provided by the clerk. All information requested on the form must be provided.
- (B) The application must include the signature of the student, the dean or the dean's designee of the law school in which the student is enrolled or was a recent graduate, and the supervising attorney.
- (C) The student must attest that he or she meets all the requirements of the rules; agrees to and shall immediately notify the clerk of the Court in the event he or she no longer meets the requirements of the rule; and that he or she has read, is familiar with, and will be governed by the Arizona Rules of Professional Conduct and these rules.
- (D) The dean or dean's designee of the accredited school in which the applicant is enrolled or was a recent graduate must attest that the applicant meets the requirements of these rules; that he or she will

immediately notify the clerk of the Court if the student no longer meets the requirements of these rules; and that he or she has no knowledge of facts or information that would indicate that the applicant is not qualified by ability, training, or character to participate in the activities permitted by these rules.

- (E) The supervising attorney must specify the period of time during which he or she will supervise the student and attest that he or she has read and will abide by these rules and will assume responsibility under the requirements of these rules.
- (F) Requests to change or add a supervising attorney or to extend the period of certification must be submitted on a form provided by the clerk.
- (G) The clerk of the Court will issue the notice of certification and send a copy of the certification to the student, the law school, the supervising attorney, and the State Bar.

(4) *Scope of Authority.*

- (A) Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person if the person on whose behalf the student is appearing has consented in writing to that appearance and the supervising attorney has also indicated in writing approval of that appearance. In each case, the written consent and approval shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. In addition, the certified limited practice student shall orally advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules. Notwithstanding anything set forth below, the court may at any time and in any proceeding require the supervising attorney (or designated attorney) to be personally present for such period and under such circumstances as the court may direct. A certified limited practice student may appear in the following matters:
 - (i) Civil Matters. In civil cases in justice, municipal, and magistrate courts, the supervising lawyer (or designated lawyer) is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising lawyer's absence.

- (ii) Criminal Matters on Behalf of the State. In any criminal matter on behalf of the state or any political subdivision thereof with the written approval of the supervising attorney (or designated attorney), the supervising attorney (or designated attorney) must be personally present except when such appearance is in justice, municipal, or magistrate courts.
 - (iii) Felony Criminal Defense Matters. In any felony criminal defense matter in justice, municipal, and magistrate courts, and any criminal matter in superior court, the supervising attorney (or designated attorney) must be personally present throughout the proceedings.
 - (iv) Misdemeanor Criminal Defense Matters. In any misdemeanor criminal defense matter in justice, municipal, and magistrate courts, the supervising attorney (or designated attorney) is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney must be physically present during trial.
 - (v) Appellate Oral Argument. A certified limited practice student may participate in oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only in the physical presence of the supervising attorney (or designated attorney) and with the specific approval of the court for that case.
- (B) Other Client Representation Activities. Under the general supervision of the supervising attorney (or designated attorney), a certified limited practice student may:
- (i) prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney (or designated attorney);
 - (ii) prepare briefs, abstracts and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney (or designated attorney);
 - (iii) provide assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-

conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all such assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney (or designated attorney);

- (iv) render legal advice and perform other appropriate legal services, but only after prior consultation with and upon the express consent of the supervising attorney (or designated attorney).

(C) **Other Non-Representation Activities.** A certified limited practice student may perform any advisory or non-representational activity which could be performed by a person who is not a member of the State Bar, subject to the approval by the supervising attorney (or designated attorney). In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

- (i) the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;
- (ii) the student's supervising attorney is associated with the particular volunteer legal services program;
- (iii) the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

(5) *Requirements and Duties of Supervising Attorney.*

The supervising attorney must:

- (A) be an attorney authorized to practice law in Arizona and have practiced law or taught law in an accredited law school as a full-time occupation for at least two years;

- (B) supervise no more than five (5) certified limited practice students concurrently; provided, however, that a supervising attorney who is employed full-time to supervise law students as part of an organized law school or government agency training program may supervise up to, but in no case more than, fifty (50) certified students;
- (C) assume personal professional responsibility for any work performed by the certified limited practice student while under his or her supervision;
- (D) assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper practical training of the certified limited practice student and the protection of the client;
- (E) read, approve, and personally sign any pleadings, briefs or other similar documents prepared by the certified limited practice student prior to the filing thereof, and read and approve any documents which shall be prepared by the certified limited practice student for execution by any person (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the supervising attorney shall still provide general supervision);
- (F) provide the level of supervision to the certified limited practice student required by these rules (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide general supervision); and
- (G) in the case of a certified student who is participating in the clinical program post-graduation pending the taking of the bar examination, report to the clinical law professor and the dean of the law school, as the law school shall require, on a monthly basis regarding the supervising attorney's supervision and guidance of the certified student.
- (H) promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease prior to the date indicated on the application form.

- (6) *Discipline Jurisdiction.* The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a limited practice student pursuant to this rule.
- (7) *Duration and Termination of Certification.* Certification of a certified limited practice student will commence on the date indicated on a notice of certification and remain in effect for the period specified on the notice of certification unless sooner terminated pursuant to the earliest of the following occurrences:
- (A) Termination by the Student. The certified limited practice student may request termination of the certification in writing or notify the clerk of the Court that he or she no longer meets the requirements of this rule, and in such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the State Bar.
 - (B) Termination by the Supervising Attorney. The supervising attorney may notify the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease prior to the date specified in the notice of certification. In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean and the State Bar, and the dean may issue a modified certification reflecting the substitution of a new supervising attorney, as necessary.
 - (C) Termination by the Dean. A certification of student limited practice may be terminated by the dean any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the State Bar.
 - (D) Failure to Take or Pass the Bar Examination. A certification of student limited practice shall be terminated if the certified student fails to take or pass the first general bar examination for which the student is eligible.

- (E) Termination by the Arizona Supreme Court. A certification of student limited practice may be terminated by the Arizona Supreme Court any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the State Bar.
- (8) *Subsequent Attorney Admission.* If a student certified under this rule is subsequently admitted to the practice of law in Arizona, that student's certification of student limited practice will be superseded by the Arizona license to practice law.

(d) Military Spouse Certification.

- (1) *General Statement and Eligibility.* Due to the unique mobility requirements of military families who support the defense of our nation, the Court may certify an attorney who is a spouse of a member of the United States Uniformed Services ("service member") stationed within Arizona to practice law under the terms of this rule. An attorney ("applicant") who is not a member of the State Bar of Arizona who meets the requirements of (A) through (J) of this paragraph (d)(1) may, upon verified application, be admitted to the temporary practice of law in this jurisdiction. The applicant must:
 - (A) establish that the applicant is currently an active member in good standing in at least one jurisdiction where admitted in the United States or territory and is a member in good standing in all jurisdictions where admitted;
 - (B) hold a juris doctor degree from a law school provisionally or fully approved by the Council of the Section of Legal Education and Admissions of the American Bar Association at the time of graduation;
 - (C) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

- (D) submit character investigation information, in a manner established by the Court, including all required supporting documents, and establish that the applicant possesses the character and fitness to practice law in this jurisdiction;
- (E) submit evidence that the applicant is a dependent spouse of a service member of the United States Uniformed Services; that the service member is on full-time, active duty pursuant to military orders in Arizona; and that the applicant is residing in Arizona due to the service member's full-time, active duty pursuant to military orders in this state;
- (F) submit evidence of achieving the passing score established in this jurisdiction for the Multistate Professional Responsibility Examination;
- (G) submit evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j);
- (H) not have failed the Arizona bar examination or failed to achieve the Arizona scaled score on the uniform bar examination administered within any jurisdiction within five years of the date of filing an application under this rule;
- (I) not have been previously denied admission to the practice of law in Arizona; and
- (J) agree to advise all clients, prior to providing representation or services, that the attorney is temporarily admitted under the military spouse exception.

(2) *Filing Requirements and Certification.*

- (A) **Application.** An applicant must file a verified application for military spouse certification with the Committee on Character and Fitness on a form supplied by the Committee. The application must include the documentation necessary to establish the requirements of (A) through (J) of this rule. At the time of submitting the verified application, the applicant must pay an application fee as set by the Court.
- (B) **Certification by Court.** If the Committee determines that the applicant has met the requirements of this rule and possesses the character and fitness required of all applicants for admission, it shall recommend to

the Court the applicant's certification to practice law. The attorney may not act as counsel for a client until certified under this rule by order of the Court. A copy of the order certifying the attorney for temporary admission will be sent by the Clerk to the Chief Bar Counsel.

- (C) **Duration and Renewal.** A temporary admission will be valid for one year from the date of issuance, unless terminated earlier pursuant to paragraph (5). An attorney admitted under this rule may annually renew a temporary admission by filing a written request for renewal and paying a registration fee.
- (3) ***Scope of Authority.*** Except as provided in this rule, an attorney temporarily admitted under this rule shall be entitled to all rights and privileges and subject to all duties obligations and responsibilities otherwise applicable to active members of the State Bar for the period of authorized practice.
 - (A) **Association of Local Counsel.** No attorney temporarily admitted under this rule may appear before any court, board, or administrative agency of this state unless the attorney has associated in that cause an attorney (local counsel) who is a member in good standing of the State Bar of Arizona. The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court, board, or administrative agency when the court, board, or administrative agency deems such appearance and participation appropriate. Local counsel associating with an attorney temporarily admitted under this rule in a particular cause shall accept joint responsibility with that attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.
 - (B) **Supervision of local counsel.** If the attorney temporarily admitted under this rule has not engaged in the active practice of law for at least five years cumulatively, the attorney shall be supervised by local counsel as defined above, who will be responsible to the court, the bar, the Court, and the client for all services the temporarily admitted attorney provides pursuant to this rule.
- (4) ***Discipline and Disability Jurisdiction.*** An attorney temporarily admitted under this rule shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the

laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the state bar.

(5) *Termination of Certification.*

(A) Events triggering termination. A temporary admission shall terminate, and an attorney shall cease the practice of law in Arizona pursuant to that admission, unless otherwise authorized by these rules, 30 days after any of the following events:

- (i) the service member's separation or retirement from the United States Uniformed Services;
- (ii) the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the Department of Defense does not authorize dependents to accompany the service member, in which case the temporary attorney may continue to practice law in Arizona as provided in this rule;
- (iii) the attorney's permanent relocation outside the state of Arizona for reasons other than the service member's relocation;
- (iv) the attorney's ceasing to be a dependent as defined by the Department of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Department of Homeland Security;
- (v) the attorney's failure to meet the annual licensing requirements for an active member of the State Bar of Arizona;
- (vi) the attorney's request;
- (vii) the attorney's admission to practice law in Arizona under any other admissions rule;
- (viii) the attorney's failure to achieve the Arizona scaled score on the uniform bar examination administered within any jurisdiction;
- (viii) the attorney's denial of admission to the practice of law in Arizona for violating ethical rules; or

- (x) notice by the Court at any time, provided that the Clerk of the Court shall mail a copy of the notice of termination to the attorney and associated local counsel.
- (B) Notice of termination to State Bar. An attorney whose temporary admission is terminated shall provide written notice to the State Bar of Arizona within thirty (30) days of the terminating event.
- (C) Notice to courts and clients. At least sixty (60) days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:
 - (i) file in each matter pending before any court or tribunal a notice that the attorney will no longer be involved in the case; and
 - (ii) provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.
- (6) *Registration, Fees & CLE.* An attorney certified under this rule who seeks to renew the certification shall be required to pay a registration fee. No later than six months following the attorney's temporary admission, the attorney shall certify to the Court completion of at least fifteen hours of continuing legal education on Arizona practice, procedure, and ethics. The attorney shall also comply with Rule 45 and ,on or before September 15 of each year, certify completion of at least fifteen (15) hours of such continuing legal education during each year for which a temporary admission is renewed.
- (7) *Registration number.* An attorney certified under this rule shall be assigned a registration number, which shall be used to identify the attorney's registration status in Arizona as required by applicable rules of procedure.
- (8) *Subsequent Attorney Admission.* If an attorney certified under this rule is subsequently admitted to the practice of law in Arizona, that attorney's military spouse certification will be superseded by the Arizona license to practice law.